

September 17, 1987

REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL
VACANCY IN THE OFFICE OF COUNCILMEMBER, DISTRICT FOUR (4)

Effective September 14, 1987, the resignation of Councilman William Jones has caused a vacancy in District Four (4). By means of this report, we seek to advise the Mayor and City Council of their obligations and options under the Charter and Municipal Code with respect to this vacancy.

San Diego City Charter section 12 provides for the filling of a vacant seat by appointment and San Diego Municipal Code section 27.3101 et seq. provides the mechanism and schedule for such an appointment. Failure to fill the vacancy within thirty (30) days of the vacancy triggers an election. Although the appointment requirement is framed in mandatory language, the Council has already called a general municipal election for November 3, 1987 that includes electing a councilmember for District Four (4). Ordinance No. O-16912 adopted July 27, 1987.

In light of the above, no further action is required by the Council to trigger an election to fill this vacancy. The Council does, however, have the obligation to consider appointment.

SEC. 27.3102 SPECIAL MEETING TO CONSIDER
THE ALTERNATIVE OF APPOINTMENT
OR ELECTION

As soon as it is known that there will be a vacancy in an elective office of The City of San Diego by reason of a resignation or that there exists a vacancy in such elective office by reason of a death or other unexpected circumstance, the presiding officer of the Council shall immediately call a special meeting of the Council to consider the question of whether the vacancy shall be filled by an appointment or an election. In the instance of resignation, a notification

containing the effective date of resignation must be received in the office of the City Clerk for a vacancy to occur. Unless otherwise specified, a resignation is effective when received. If the determination

is made to fill the position by appointment,
the procedures provided for in this division
shall be followed.

San Diego Municipal Code section 27.3102
(emphasis added.)

To facilitate consideration of this matter and with the
concurrence of the Mayor, we have asked that the matter be placed
on your docket of September 21, 1987.

Respectfully submitted,

JOHN W. WITT

City Attorney

TB:lfs:930(x043.1)

RC-87-39